

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11cv37**

THOMAS L. JONES,

Plaintiff,

Vs.

**MARTHA H. CURRAN; DAVID G.
MANSEAU; R. HARCOURT
FULTON; THE HONORABLE
ALBERT DIAZ; and THE
HONORABLE RICHARD D. BONER,**

Defendants.

ORDER

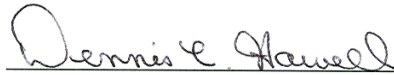
THIS MATTER is before the court on plaintiff's "Motion Opposing Reassignment Pursuant to 28 USC Sec. 636(c)(1)(4)" (#15). There is no such section under Title 28. Instead, Section 636(c)(1) provides for consent by all parties to full assignment of a civil case to a United States Magistrate Judge, while Section 636(c)(4) provides a method for the district court to vacate a Section 636(c) reference to a magistrate judge. Neither section is, however, applicable to this case inasmuch as the case has not been assigned or referenced to a magistrate judge under Section 636(c) as the parties have not consented. Instead, the district court has referred this matter to the undersigned under Section 636(b) for case management, disposition of non-

dispositive motions, and entry of recommendations on certain other motions. The consent of the parties is not required under Section 636(b).

ORDER

IT IS, THEREFORE, ORDERED that plaintiff's "Motion Opposing Reassignment Pursuant to 28 USC Sec. 636(c)(1)(4)" (#15) is **DENIED** as non-justiciable.

Signed: March 1, 2011



Dennis L. Howell
United States Magistrate Judge

